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10/800,285	03/12/2004	David W. Farchmin	11003.00026.03AB047	1291

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Susan M. Donahue
Rockwell Automation Inc. 704-P
1201 South Second Street
Milwaukee, WI 53204-2496

EXAMINER

GOODCHILD, WILLIAM J

ART UNIT	PAPER NUMBER
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2445

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,285	Applicant(s) FARCHMIN ET AL.	
	Examiner WILLIAM J. GOODCHILD	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54 and 56-73 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54 and 56-73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 54-61, 63 and 65-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolin, Jr., (US Patent No. 5,519,878), and further in view of Richardson et al., (US Patent No. 5,644,494), (hereinafter Richardson).

Regarding claims 65, 54 and 63, Dolin discloses providing a rule set including rules that indicate probable relative resource positions [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

correlating logical network addresses with environment locations [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

specifying first and second network addresses for a first and a second resources, respectively [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

specifying that the first resource communicates with the second resource [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

Art Unit: 2445

identifying the network addresses of the first and second resources [Dolin, column 4, lines 22-41 and column 7, lines 32-65];

using the network addresses of the first and second resources to determine the relative positions of the first and second resources [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Dolin does not specifically disclose determining if the first and second resource relative positions are consistent with the rule set; and

where the relative positions of the first and second resources are inconsistent with the rule set, performing a secondary function.

However, Richardson discloses a printing system including a medium transporter for transporting print media [Richardson, column 2, lines 33-36]. The elevator system vertically moves the print medium to present a print medium from the group to the medium transporter [Richardson, column 2, lines 36-39, position of units is determined and if not set to correct position, unit is moved to align]. The operation of the system requires that the relative position of the print medium be modified by the elevator system to align with the medium transporter [Richardson, column 2, lines 33-58 (secondary function, align the units)].

Art Unit: 2445

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include aligning devices in order to allow the automated system to complete requested work.

Regarding claim 55, Dolin-Richardson further discloses the step of providing a rule set including rules that indicate probable relative resource juxtapositions wherein the step of determining includes determining if the relative juxtapositions of the first and second resources are consistent with the rule set [Dolin, column 2, lines 33-58].

Regarding claim 56, Dolin-Richardson further discloses wherein the rule set indicates a maximum distance between the second resource and a reference point within the space such that, when the distance between the reference point and the second resource is greater than the maximum distance, the relative juxtapositions of the first and second resources are inconsistent with the rule set [Dolin, column 2, lines 33-58].

Regarding claim 57, Dolin-Richardson further discloses wherein the reference point is the location of the first resource [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 58, Dolin-Richardson further discloses wherein the secondary function [Richardson, column 15, lines 23-57, must be lined up] is to indicate that the specified communication is improbable [Dolin, column 8, lines 57-62].

Regarding claim 59, Dolin-Richardson further discloses wherein the method is performed in real time [Richardson, column 15, lines 23-57] as a resource is added to a sub-set of resources to perform the process [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 60, Dolin-Richardson further discloses wherein the method is performed in batch after a sub-set of resources has been configured to perform the process [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 61, Dolin-Richardson further discloses the steps of correlating logical network addresses with space locations and wherein the step of identifying the relative positions of the first and second resources includes specifying a network address for each of the first and second resources, determining the locations of the first and second resources from the correlated information and using the first and second resource locations to determine relative positions of the first and second resources [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 66, Dolin-Richardson further discloses wherein the rule set indicates a maximum distance between the first and second resources such that, when the distance between the first and second resources is greater than the maximum distance, the relative positions of the first and second resources are inconsistent with the rule set

Art Unit: 2445

[Dolin, column 2, lines 33-58, must be lined up].

Regarding claim 67, Dolin-Richardson further discloses wherein the step of performing a secondary function [Dolin, column 2, lines 33-58, must be lined up] includes indicating an improbable resource configuration [Dolin, column 8, lines 57-62].

Regarding claim 68, Dolin-Richardson further discloses associating a space within the environment with the process [Dolin, column 4, lines 21-41];
providing at least a first information device [Dolin, column 4, lines 21-41] that includes a processor [Richardson, figure 22 and column 28, lines 34-40];
determining the location of the information device within the environment [Dolin, column 4, lines 21-41]; and
when the information device is proximate at least a sub-space within the space, using the processor to automatically perform [Richardson, figure 22 and column 28, lines 34-40] the steps of:
identifying the resources to be positioned within the sub-space [Dolin, column 4, lines 21-41];
identifying the tags associated with the resources [Dolin, column 4, lines 21-41]; and
indicating the tags associated with the resources [Dolin, column 4, lines 21-41].

Regarding claim 69, Dolin-Richardson further discloses identifying the resource to the network and indicating one of the tags via the information device that is to be associated

Art Unit: 2445

with the resource and, wherein, the method further includes the step of associating the identified resource with the indicated tag [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 70, Dolin-Richardson further discloses wherein the step of identifying the resource includes linking the resource to the network [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 71, Dolin-Richardson further discloses wherein the information device includes a display and wherein the step of identifying the tags includes providing a list of the tags and the step of indicating one of the tags includes selecting one of the tags from the list [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 72, Dolin-Richardson further discloses wherein each of the resources is associated with a network address and wherein the processor associates by determining the resource address and correlating the resource address with the tag [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Regarding claim 73, Dolin-Richardson further discloses wherein the processor performs the steps for each resource to be located within the sub-space [Dolin, column 4, lines 22-41 and column 7, lines 32-65].

Art Unit: 2445

3. Claims 62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dolin-Richardson as applied to claim 55 above, and further in view of Metcalf, (US Publication No. 2002/0131446).

Regarding claims 62 and 64, Dolin-Richardson does not specifically disclose wherein the resources include components in an automated manufacturing facility.

However, Metcalf discloses programmable logic controllers in a manufacturing facility [Metcalf, paragraphs 2, 4 and 22].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include PLCs in a manufacturing facility in order to provide automation.

Response to Arguments

4. Applicant's arguments filed 12/15/2009 have been fully considered but they are not persuasive.

A – Applicant argues “In addition, Applicant has examined Dolin in detail and is clear that Dolin fails to teach or suggest a rule set that indicates probable relative resource positions. To this end, the Office Action cites sections of columns 4 and 7 as teaching

Art Unit: 2445

this limitation. Applicant has examined the cited sections of Dolin (and the rest of Dolin for that matter) and is clear that a probable relative resource position rule set is not contemplated. In this regard, the column 4 sections of Dolin cited describe a system wherein a person charged with configuring a network is provided with sticker type labels or the like for each network node during installation of each node. When a node is installed, the configuring person attaches an associated label to a building layout map indicating the location of the installed node. After all nodes have been installed and associated labels have been attached to the map, the configuring person accesses an electronic version of the map, uses the paper map with labels to identify locations of the nodes, selects locations on the electronic version of the map (e.g., via a light pen) at which the nodes are located and then reads the node codes from the paper map to associate the nodes with the locations within the building. Thereafter, the column 7 section of Dolin cited teaches that the configuring person can group the nodes together or associate the nodes with each other by selecting nodes on the electronic version of the map and performing an association step. In these sections of Dolin there is absolutely no teaching of a rule set that indicates probable relative resource positions. In the case of the steps whereby tag labels are placed on the hard copy paper map, the tags are appended to the map to indicate the actual locations of the nodes in a building, not the probable relative resource positions. Where the configuring person uses the electronic map to identify node locations, the actual locations are identified. Where the user uses the electronic map to associate nodes with each other, the user can select

Art Unit: 2445

any of the nodes to associate with each other and there are no rules regarding relative resource positions".

A – Dolin discloses adding nodes to the system with their positions [Dolin, column 4, lines 22-42], Dolin further discloses that those nodes are additionally defined by where they are located within a room or building or those devices associated with a particular output device [Dolin, column 7, lines 36-40 of 32-65], As such, Dolin considers the relative position of a node based on a rule set within the network. In accordance with applicants specification, paragraph 31, the definition of a rule set would seem to be any set of rules defined, such as location in a room, nodes that act together, etc.

B – Applicant argues "Regarding the other two steps of determining and performing a secondary function when resource positions are inconsistent with the rule set, clearly the heart of those steps is that each is premised on their first being a probable relative resource position rule set. In this regard, Richardson has, in short, been cited as a reference that causes a first resource to be moved with respect to a second resource after a position command for the first resource is generated and a system recognizes that the first resource is not in the commanded position. This is clearly different than performing a secondary process only when first and second resources that communicate with each other are in positions that are inconsistent with a probable relative resource position rule set".

Art Unit: 2445

B – Richardson discloses that the resources are not in a position that is needed for a specific function, and adjusts the position [Richardson, column 2, lines 44-58, this can also be considered a rule set (specify the positions of a portion of the device and set those positions)], additionally, the re-adjusting of the position can be considered a secondary function (the instant specification does not specifically define what is considered a secondary function).

C – Applicant argues “In addition, after a perusal of Richardson's long specification, it appears as though there may be a controller that controls operation of the elevator, transporter and printer and that the elevator and transporter do not communicate with each other. Here, claim 54 requires, among other things, the step of specifying that the first resource communicates with the second resource - this step appears to be lacking in Richardson as well”.

C – Dolin discloses resources communicating with each other [Dolin, column 7, lines 47-52].

D – Applicant argues “With respect to claim 56, that claim further limits claim 54 by requiring that the rule set indicates a maximum distance between the second resource and a reference point within the space such that, when the distance between the reference point and the second resource is greater than the maximum distance, the

Art Unit: 2445

relative juxtapositions of the first and second resources are inconsistent with the rule set. Applicant has examined Richardson's Col. 15, lines 23-57 which only appears to describe specifics about a front edge guide which have absolutely nothing to do with a rule set that indicates a maximum distance or that juxtapositions will be inconsistent with a rule set when a second resource is more than the maximum distance from a point".

D – Richardson discloses within a rule set (the position of retainers), if the position is not where it belongs (greater than a maximum distance off), the elevator system will reposition the retainers [Dolin, column 2, lines 33-58].

E – Applicant argues "With respect to claim 56, that claim further limits claim 54 by requiring that the rule set indicates a maximum distance between the second resource and a reference point within the space such that, when the distance between the reference point and the second resource is greater than the maximum distance, the relative juxtapositions of the first and second resources are inconsistent with the rule set. Applicant has examined Richardson's Col. 15, lines 23-57 which only appears to describe specifics about a front edge guide which have absolutely nothing to do with a rule set that indicates a maximum distance or that juxtapositions will be inconsistent with a rule set when a second resource is more than the maximum distance from a point".

E – Dolin discloses within a rule set (the position of retainers), if the position is not where it belongs (greater than a maximum distance off), the elevator system will re-position the retainers [Dolin, column 2, lines 33-58].

F – Applicant argues “With respect to claim 57, claim 57 further limits claim 54 by requiring that the reference point is the location of the first resource. Nothing in Dolin and specifically in the cited section appears to teach that a point of one resource is a reference point in a rule set of any type. Again, the cited sections of Dolin only teach a general process and have nothing to do with rule specifics”.

F – Dolin discloses the location of resources [Dolin, column 4, lines 22-41 and column 7, lines 32-65, any unit can be called the "first" resource and so, can be the reference point].

G – Applicant argues “Claim 59 further requires that the method is performed in real time as a resource is added to a sub-set of resources to perform the process. While Dolin is cited as teaching this limitation Applicant is clear that Dolin fails in this regard. To this end, the claim 54 method requires several steps including the last two (i.e., determining and performing). The Office Action admitted that Dolin fails to teach or suggest the last two steps so how can Dolin teach that the method, including all of its steps, is performed in real time?”.

G – In reviewing the 103 rejection of claim 59, both Richardson and Dolin were used for the rejection in both, claim 54 and its dependent claim 59, it is unclear if the applicant is re-arguing claim 54, but, in reference to the new portion of claim 59, the portion that refers to the method performed in real time as a resource is added to a subset of resources, Dolin discloses that the resources are entered by an apparatus [Dolin, column 4, lines 28-30, which are done in real time and show that as one is added, it is added to a sub-set already added].

H – Applicant argues “Claim 60 further requires that the method be performed in batch after a sub-set of resources has been configured to perform the process. While Dolin is cited as teaching this limitation Applicant is clear that Dolin fails in this regard. To this end, the claim 54 method requires several steps including the last two (i.e., determining and performing). The Office Action admitted that Dolin fails to teach or suggest the last two steps so how can Dolin teach that the method, including all of its steps, is performed in batch?”.

H – Again, a portion of the argument is unclear, as both Dolin and Richardson are used in the rejection of claim 54 (they are then used for those limitations with the dependent claims), Dolin discloses batch processing by inputting the nodes and processing each one [Dolin, column 4, lines 28-30 and column 7, lines 32-65].

Art Unit: 2445

I – Applicant argues “Claim 61 further requires the steps of correlating logical network addresses with space locations and wherein the step of identifying the relative positions of the first and second resources includes specifying a network address for each of the first and second resources, determining the locations of the first and second resources from the correlated information and using the first and second resource locations to determine relative positions of the first and second resources. In Dolin, locations are manually determined and are not derived from network addresses. To this end, in the case of applying node ID labels to the paper hard copy map, the system user applies the labels manually to indicate node locations. In the case of using the electronic map to select locations associated with nodes, the system user uses a light pen or the like to select locations and then assigns addresses or node IDs thereby by reading bar codes or the like from the labels on the paper map. In neither of these cases are network addresses used to identify locations of resource”.

I – Dolin discloses that network Id’s are used and that based on such id’s, locations are determined within a floor or building etc [Dolin, column 7, lines 32-65].

J – Applicant argues “Claim 68 includes the steps of, among others, using the processor to automatically perform the steps of (i) identifying the resources to be positioned within the sub-space, (ii) identifying the tags associated with the resources and (iii) indicating the tags associated with the resources. Nothing in Dolin teaches or suggests that a processor automatically performs these steps. Specifically, the cited section of Dolin

Art Unit: 2445

(col. 4, lines 21-41) simply teaches a manual process for applying tags to a paper map and then manually indicating locations on an electronic map and reading labels from the paper map to associate locations with node IDs. Richardson fails to teach what Dolin lacks in this regard (and therefore, not surprisingly, was not cited as teaching these limitations). For at least this reason Applicant believes claim 68 and claims that depend there from recite patentable subject matter and requests that the current rejection be withdrawn”.

J – Dolin discloses a processor [Dolin, figure 22 and column 28, lines 34-40], further, Dolin discloses that when the resources are added to the system, that the network id's are used to determine a relative position of the devices within a building, etc [Dolin, column 4, lines 28-30 and column 7, lines 32-65, the processor is used in determining the positions using the network id's].

K – Applicant argues “Claim 71 requires that the information device includes a display and wherein the step of identifying the tags includes providing a list of the tags and the step of indicating one of the tags includes selecting one of the tags from the list. Thus, combining the claim 71 and 68 limitations, at a minimum, the claim requires determining the location of an information device that include a display. The only device in Dolin that includes a display is the device that generates the electronic map and clearly Dolin fails to teach or suggest determining the location of that device”.

Art Unit: 2445

K – Dolin discloses that a node id is retrieved (from a display) from a list (a list contains 1 or more entries) and selecting the tag [Dolin, Dolin, column 4, lines 28-30 and column 7, lines 32-65 and column 9, lines 27-31].

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures

Art Unit: 2445

may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2445

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG

04/05/2010

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445